

REMARKS

Claims 1, 4, 6, 8, and 10 are pending and under consideration. Claim 6 has been amended to remove "the steps of." In the Office Action, the Examiner rejected claims 1,4,6 and 8 under 35 U.S.C § 103(a) as being obvious over U.S. Pat. No. 4,836,309, issued to Sekioka (hereinafter Sekioka) in view of U.S. Pat. No. 4,827,109, issued to Matsumoto *et al.* (hereinafter Matsumoto).

According to Sekioka, it is directed to an electronic weighing instrument including an IC card reading and writing device. A commodity to be weighed can be designated via input keys on the instrument. A price per unit weight of the designated commodity preset in the IC card is then read out. See Sekioka, Abstract.

According to Matsumoto, it is directed to a photographic printing system comprising a printer-processor. The photographic printing system includes a read-write unit that reads printing condition data from the card. See Matsumoto, column 6, lines 14-15. The IC card can be used to read and write data "in a non-contact" manner. See Matsumoto, column 2, lines 32-33.

It has been well-established that if a proposed modification or combination of references would change the principle of operation of the invention being modified, then the teachings of the references are not sufficient to render the claims of the Applicants' invention *prima facie* obvious. Applicants respectfully submit that if the teachings of Matsumoto were added to the teachings of Sekioka as suggested by the Examiner (see Office Action, at item 4, page 2), the principle of operation of Sekioka would be changed, as discussed below.

According to Sekioka and as admitted by the Examiner at item 4, page 2 of the Office Action, Sekioka does not teach a non-contact information transfer medium. Although Sekioka discloses that the operator will insert an IC card in position into the IC card reading and writing device, no information is provided as to the IC card being read in a non-contact manner. See Sekioka, column 4, lines 17-19, and FIG. 1.

In direct contrast, according to Matsumoto, it discloses that the IC card can read and write data in a non-contact manner. Thus, Matsumoto operates by allowing a card to be read in a non-contact manner to prevent "the effects of static electricity, improper contact, or the like." See Matsumoto, column 2, lines 32-34. According to Matsumoto, one of its objects is to provide a printing system in which operating conditions of a printer-processor can be well controlled by using a non-contact type IC card. See Matsumoto, column 2, lines 11-14. In light of the foregoing, if the teachings of Sekioka including the IC card reading and writing device which

reads in a contact manner were added to the teaching of Sekioka, which teaches reading in a non-contact manner, Sekioka would have to read in a contact manner, thereby changing its principle of operation. Therefore, the references cannot be combined to reject the claims, as the proposed combination would change the principle of operation of the invention being modified, that is, Sekioka.

In addition, it is well established that in order for an Examiner to rely on a reference for an obviousness rejection, the reference must either be in the field of applicant's endeavor, or if not, then be reasonably pertinent to the particular problem with which the inventor was concerned. Applicants respectfully submit that Matsumoto is not in the present invention's field of endeavor, as it is directed toward a Photographic printing system, whereas the present invention is directed toward a commodity sales mediation system. Matsumoto is also not reasonably pertinent to the particular problem with which the inventor was concerned. Therefore, the references cannot be combined for these reasons, in addition to the reason regarding changing the principle of operation presented above.

In light of the foregoing, Applicants respectfully submit that claims 1, 4, 6, and 8 are patentable over the references, as the references cannot be properly combined for the reasons provided above. Further, claims 1, 4, 6, and 8 are patentable over the references, as Matsumoto is not in the present invention's field of endeavor.

Applicants respectfully submit that new method claim 10 is patentable over the references, as neither of the references, taken alone or in combination, teaches or suggests its features.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

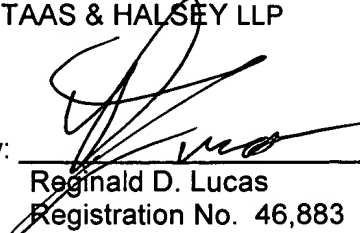
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If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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